SENTENCE DATA SHEET

1. CRIMINAL NO.: **H-16-280**

DEFENDANT: **Jermaine S. Thomas**

IMMIGRATION STATUS: **U.S. Citizen**

GUILTY PLEA: **Count Four, Contempt of Court 18, USC, § 401 (3)**

SUBSTANCE OF PLEA AGREEMENT:

Pursuant to Rule 11(c)(1)(A) -- written agreement in which:

1. The defendant will plead guilty to Count Four of the Indictment. Count Four charges defendant with Contempt of Court, in violation of Title 18, United States Code, Section 403 (3).

2. Defendant waives right to appeal except as to a sentence imposed above the statutory maximum.

3. Defendant knowingly and voluntarily waives the right to appeal or "collaterally attack" the conviction and sentence, except that Defendant does not waive the right to raise a claim of ineffective assistance of counsel on direct appeal, if otherwise permitted, or on collateral review in a motion under Title 28, United States Code, section 2255. In the event Defendant files a notice of appeal following the imposition of the sentence or later collaterally attacks his conviction or sentence, the United States will assert its rights under this agreement and seek specific performance of these waivers.

4. Defendant waives his right to contest his convictions or sentences by means of a post-conviction proceeding or collateral attack. Defendant also waives any right to have a jury decide sentencing factors.

5. The United States will not oppose defendant's request for a two-level decrease of his offense level for acceptance of responsibility.

ELEMENTS: Contempt of Court - 18, USC, § 401 (3)

First, that there was a lawful order, and rules of a court of the United States which was definite, clear, and specific;

Second, that the defendant violated the order and rules; and

Third, that the defendant did so willfully and intentionally, and with a wrongful state of mind.

PENALTY: Not more than Six months (6) imprisonment, and a fine of not more than $1,000.

SUPERVISED RELEASE: Not more than One (1) year.

ALTERNATIVE FINE BASED ON GAIN OR LOSS: Applicable, pursuant to 18 U.S.C. § 3571 (d)

SENTENCING GUIDELINES: Advisory

SPECIAL ASSESSMENT: $10.00 per count of conviction (18 U.S.C. § 3013)